LAW OFFICES
HAIGHT, BROWN &
BONESTEEL, L.L.P.
San Francisco

NG06-0000185 3410377.1 Case No. CV 08-2704 EDL NOTICE OF PENDENCY OF OTHER ACTION OR PROCEEDING

CGC-08-274596. The state court action seeks recovery for wrongful death allegedly 1 arising out of Lester Collins' exposure to asbestos. A copy of the complaint is attached. 2 The state court action is currently pending in the San Francisco Superior 2. 3 Court located in San Francisco, California. A copy of the electronic docket is also 4 5 attached. The state court action seeks recovery for the same injuries and damages 3. 6 alleged in this action. Because this action involves claims against Newport News that are 7 subject to removal pursuant to 28U.S.C. §§ 1442 and 1446, under which the United States District Court has subject matter jurisdiction to adjudicate claims with respect to persons 9 acting under an officer or agency of the United States, this case should not be coordinated 10 with the state court action. As requested in Newport News' notice of tag-along action, this 11 case should be transferred to the United States District Court for the Eastern District of 12 Pennsylvania pursuant to 28 U.S.C. § 1407. 13 HAIGHT BROWN & BONESTEEL LLP Dated: June 30, 2008 14 15 By: 16 Daniel J. Kelly Nairi Chakalian 17 Attorneys for Defendant NEWPÖRT NEWS SHIPBUILDING 18 AND DRY DOCK COMPANY 19 20 21 22 23 24 25 26 27 28

LAW OFFICES
HAIGHT, BROWN &
BONESTEEL, L.L.P.
San Francisco

NG06-0000185 3410377.1

24	<u>NAME</u>	<u>AGE</u>	RELATIONSHIP TO DEC
25	LOIS COLLINS	76 Years	Spouse
	DONALD COLLINS	Over 18	Son
26	STEPHEN COLLINS	Over 18	Son
	THOMAS COLLINS	Over 18	Son
27	DOUGLAS COLLINS	Over 18	Son
	KAREN LEGGE	Over 18	Daughter
28			-

COMPLAINT FOR SURVIVAL, WRONGFUL DEATH - ASBESTOS

ATTORNEYS AT LAW
222 RUSH LANDING ROAD
P O BOX 6169
NOVATO, CALIFORNIA 9948-6169
(415) 898-1555

2

3

4

5

б

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

ALLIS-CHALMERS CORPORATION PRODUCT LIABILITY TRUST BUCYRUS INTERNATIONAL, INC. ASBESTOS CORPORATION LIMITED GENERAL DYNAMICS CORPORATION CROWN CORK & SEAL COMPANY, INC. C.C. MOORE & CO. ENGINEERS THOMAS DEE ENGINEERING CO., INC. FOSTER WHEELER LLC GARLOCK SEALING TECHNOLOGIES, LLC OWENS-ILLINOIS, INC. PARKER-HANNIFIN CORPORATION PLANT INSULATION COMPANY RAPID-AMERICAN CORPORATION UNIROYAL HOLDING, INC. VIACOM, INC. WESTERN MacARTHUR COMPANY MacARTHUR COMPANY WESTERN ASBESTOS COMPANY IMO INDUSTRIES, INC. C.H. MURPHY/CLARK-ULLMAN, INC. HOPEMAN BROTHERS, INC. E.J. BARTELLS COMPANY J.T. THORPE, INC. J.T. THORPE & SON, INC. METROPOLITAN LIFE INSURANCE COMPANY PNEUMO ABEX LLC **GATKE CORPORATION** AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC. UNDERWRITERS LABORATORIES, INC. and DOES 1-8500,

Defendants.

Lois Collins, et al. vs. Asbestos Defendants (B&P)

San Francisco Superior Court

5. At all times prior to his death, decedent was a faithful and dutiful spouse to plaintiff LOIS COLLINS and parent to plaintiff children.

6. Plaintiffs' claims are as set forth in @Brayton Purcell Master Complaint for [Survival] [Loss of Consortium] Wrongful Death (hereinaster "Master Complaint") - Asbestos No. 828684 filed March 3, 2003, in San Francisco Superior Court. A copy of the Master Complaint and General Order No. 55 may be obtained upon request from Brayton Purcell, and designated portions of the Master Complaint are incorporated by reference herein pursuant to the authority conferred by General Order No. 55. Plaintiffs' claims are as set forth in said Master Complaint against defendants herein as follows:

///

///

14 | ///

		C	ase-	3:08	-CV-	0270	)4 <b>-</b> E	DL	Doc	ument 7	7Fi	led 06	<del>/30/2</del> 0	80	Page 6	of 2	2	
*and their alternate entities as set forth in the Master Complaint or on any Exhibit.	Twenty-Second (Fraud/Deceit - Kent)	Twenty-First (Fraud and Deceit/Intentional Misrepresentation)	Twentieth (Fraud and Deceit/Concealment)	Nineteenth (Fraud. Deceit/Negligent Misrepresentation)	Eighteenth (Concert of Action)	Sixteenth, Seventeenth (Brake Shoe Grinding)	Fourteenth, Fisteenth (Respiratory Safety Devices)	Twelfth, Thirteenth (F.E.L.A.)	Eleventh (Longshare and Harbor Workers Compensation Act [LHWCA])	Eighth, Ninth, Tenth (Unseaworthiness, Negligence [Jones Act], Maintenance and Cure)	Seventh (Premises Owner/ Contractor Liability)	Sixth (Products Liability- Wrongful Death)	Fifth (Negligence- Wrongful Death)	Fright (Loss of dustortium)	Third (False Representation)	Second	First (Negligence-Survival)	Course of Action
s set f	it - Ke	cit/Int	/Conc	eglige	Ď	ce Sho	atory	٤	rbor W	Cure)		$\boxtimes$	$\boxtimes$		$\boxtimes$	$\boxtimes$	⊠ Þ	<del>I</del>
orth in	)n:	entiona	ealmen	nt Misr		e Grind	Safety l		orkers/		$\boxtimes$	$\boxtimes$	×		$\boxtimes$	$\boxtimes$	$\boxtimes$	p -
the Ma		ıl Misre	٥	epresen		ling)	Devices				$\boxtimes$						k	<b>a</b>
ster Cor		present		tation)			٣											J
nplaint		ation)								i								DEFI
or on a									<b>,</b>									E NDAN
ıy Exhi								]										TS* 0
bit.				•	Σ	3												N EXH
			Σ	<b>3 2</b>	3												•	DEFENDANTS* ON EXHIBITS:
		C	]															· 
		]																ズ
			*															<b>–</b>
					ć													Z

Case 3:08-cv-02704-EDL Document 7 Filed 06/30/2008 Page 8 of 22

E

**EXHIBIT A** 

#### EXHIBIT A

Decedent's exposure to asbestos and asbestos-containing products occurred at various locations both inside and outside the State of California, including but not limited to:

Employer	Location of Exposure	Job Title	Exposure <u>Dates</u>
US Navy	USS MIDWAY (CV-41) USS FRANKLIN D. ROOSEVELT (CV-42) USS PASSUMPSIC	Fireman	Approx. 1950 - 1955

Decedent's exposure to asbestos and asbestos-containing products caused severe and permanent injury to the decedent, including, but not limited to breathing difficulties, asbestosis, lung and/or other cancer, mesothelioma, and/or other lung damage. Decedent was diagnosed with mesothelioma on or about 2006.

Decedent retired from his last place of employment at regular retirement age. He had therefore suffered no disability from his asbestos-related disease as "disability" is defined in California Code of Civil Procedure § 340.2.

**EXHIBIT A** 

Case 3:08-cv-02704-EDL - Document 7 Filed 06/30/2008 Page 10 of 22

(

**EXHIBIT B** 

#### EXHIBIT B 1 2 **DEFENDANTS** ALLIS-CHALMERS CORPORATION PRODUCT PARKER-HANNIFIN CORPORATION 31 PLANT INSULATION COMPANY LIABILITY TRUST RAPID-AMERICAN CORPORATION 4 BUCYRUS INTERNATIONAL, INC. UNIROYAL HOLDING, INC. ASBESTOS CORPORATION LIMITED VIACOM, INC. 5 GENERAL DYNAMICS CORPORATION WESTERN MacARTHUR COMPANY CROWN CORK & SEAL COMPANY, INC. MacARTHUR COMPANY C.C. MOORE & CO. ENGINEERS WESTERN ASBESTOS COMPANY THOMAS DEE ENGINEERING CO., INC. IMO INDUSTRIES, INC. FOSTER WHEELER LLC C.H. MURPHY/CLARK-ULLMAN, INC. GARLOCK SEALING TECHNOLOGIES, LLC **DOES 1-800** OWENS-ILLINOIS, INC. ALTERNATE ENTITY 9 **BUCYRUS-ERIE** BUCYRUS INTERNATIONAL, INC. MARION POWER SHOVEL COMPANY, THE OSGOOD COMPANY 11 GENERAL EXCAVATOR COMPANY 12 GENERAL DYNAMICS CORPORATION ASBESTOS CORPORATION LIMITED 13 GENERAL DYNAMICS CORPORATION CONVAIR **VULTEE AIRCRAFT INC.** 14 CONSOLIDATED VULTEE AIRCRAFT CORPORATION 15 ASBESTOS CORPORATION LIMITED MUNDET CORK COMPANY CROWN CORK & SEAL COMPANY, 16 INC. 17 FOSTER WHEELER CORPORATION FOSTER WHEELER LLC 18 GARLOCK, INC. GARLOCK SEALING COLTEC INDUSTRIES, INC. 19 TECHNOLOGIES, LLC **FAIRBANKS-MORSE FAIRBANKS MORSE ENGINES** 20 BELMONT PACKING & RUBBER CO. GARLOCK PACKING CO. 21 U.S. GASKET CO. GOODRICH CORPORATION 22 ENPRO INDUSTRIES, INC. 23 PARKER-HANNIFIN CORPORATION SACOMA-SIERRA, INC. SACOMA MANUFACTURING COMPANY 24 E.I.S. AUTOMOTIVE CORPORATION 25 CONDREN CORPORATION, THE PARKER SEAL COMPANY 26 UNIROYAL, INC. UNIROYAL HOLDING, INC. 27 **EXHIBIT B** 28 111 COMPLAINT FOR SURVIVAL, WRONGFUL DEATH - ASBESTOS

Case 3:08-cv-02704-EDL Document 7 Filed 06/30/2008 Page 12 of 22

Case 3:08-cv-02704-EDL Document 7 Filed 06/30/2008 Page 15 of 22

(

**EXHIBIT C** 

Case 3:08-cv-02704-EDL Document 7 Filed 06/30/2008

**EXHIBIT C** 

28

Case 3:08-cv-02704-EDL Document 7 Filed 06/30/2008 Page 17 of 22

E

# EXHIBIT H

### EXHIBIT H

DEFE	NT A	PTIK
17171 17	14175	21 4 T P3

1

2

METROPOLITAN LIFE INSURANCE COMPANY 3 H PNEUMO ABEX LLC BORGWARNER MORSE TEC, INC. 4 HONEYWELL INTERNATIONAL, INC. (successor-5 in-interest to ALLIEDSIGNAL, INC.) THE BUDD COMPANY DAIMLERCHRYSLER CORPORATION 6 DANA CORPORATION FORD MOTOR COMPANY 7 GENERAL MOTORS CORPORATION 8 BRIDGESTONE/FIRESTONE NORTH AMERICAN TIRE, LLC LEAR SIEGLER DIVERSIFIED HOLDINGS CORP. 9 MAREMONT CORPORATION MORTON INTERNATIONAL, INC. 10 PARKER-HANNIFIN CORPORATION STANDARD MOTOR PRODUCTS, INC. 11 GATKE CORPORATION GARLOCK SEALING TECHNOLOGIES, LLC 12 BRASSBESTOS BRAKE LINING COMPANY IL KRASNE MANUFACTURING COMPANY 13 AUTO SPECIALTIES MANUFACTURING **COMPANY** 

STUART-WESTERN, INC. RITESET MANUFACTURING COMPANY ASBESTOS MANUFACTURING COMPANY FIBRE & METAL PRODUCTS COMPANY LASCO BRAKE PRODUCTS L.J. MILEY COMPANY ROSSENDALE-RUBOIL COMPANY SOUTHERN FRICTION MATERIALS COMPANY U.S. SPRING & BUMPER COMPANY AUTO FRICTION CORPORATION **EMSCO ASBESTOS COMPANY** FORCEE MANUFACTURING CORPORATION MOLDED INDUSTRIAL FRICTION CORPORATION NATIONAL TRANSPORT SUPPLY, INC. SILVER LINE PRODUCTS, INC. STANDCO, INC. UNIVERSAL FRICTION MATERIALS COMPANY WHEELING BRAKE BLOCK MANUFACTURING **COMPANY** BELL ASBESTOS MINES LTD. OWENS-ILLINOIS, INC. DOES5000-8000

15

14

16 17

18

19

20

21 22

23

24

25

26

27

28

EXHIBIT H

COMPLAINT FOR SURVIVAL, WRONGFUL DEATH - ASBESTOS

Case 3:08-cv-02704-EDL Document 7 Filed 06/30/2008 Page 19 of 22

**EXHIBIT I** 

--- Case 3:08-cv-02704-EDL Document 7 Filed 06/30/2008 Page 20 of 22

#### Page 21 of 22

## Superior Court of California, County of San Francisco

Case Number: CGC-08-274596

Title: LOIS COLLINS et al VS. ASBESTOS DEFENDANTS (B/P)AS REFLECTED ON EXHIBITS et al

Cause of Action: ASBESTOS Generated: Jun-25-2008 12:08 pm PST

**Documents** Register of Actions Calendar **Payments Parties** Attorneys

**Register of Actions** 

Date Range: First Date Mar-27-2008 Last Date Jun-25-2008 (Dates must be entered as MMM-DD-YYYY)

Descending Date Sequence Submit **ALL FILING TYPES** 

Date	Proceedings	Document	Fee
UN-18-2008	SUBSTITUTION OF ATTORNEY, (TRANSACTION ID # 20311454): BLAIR LYNNE P SUBSTITUTED FOR MCNEIL, CONSTANCE AS ATTORNEY FOR PLANT INSULATION COMPANY	View	
UN-02-2008	OBJECTION TO JUDGE PRO TEM AND OR COMMISSIONER ASSIGNMENT (TRANSACTION ID # 20070511) FILED BY DEFENDANT IMO INDUSTRIES INC.	View	
UN-02-2008	ANSWER TO COMPLAINT (TRANSACTION ID # 20070511) FILED BY DEFENDANT IMO INDUSTRIES INC.	View	335.00
MAY-20-2008	OBJECTION TO STIPULATION OF HEARING BY COMMISSIONER HEWLETT (TRANSACTION ID # 19916314) FILED BY DEFENDANT CBS CORPORATION, A DELAWARE CORPORATION, F/K/A VIACOM INC., SUCCESSOR BY MERGER TO CBS CORPORATION, A PENNSYLVANIA CORPORATION, F/K/A WESTINGHOUSE ELECTRIC CORPORATION	View	
MAY-20-2008	OBJECTION TO COURT COMMISSIONER ACTING AS JUDGE PRO TEMPORE AT TRIAL (TRANSACTION ID # 19916314) FILED BY DEFENDANT CBS CORPORATION, A DELAWARE CORPORATION, F/K/A VIACOM INC., SUCCESSOR BY MERGER TO CBS CORPORATION, A PENNSYLVANIA CORPORATION, F/K/A WESTINGHOUSE ELECTRIC CORPORATION	<u>View</u>	
MAY-20-2008	DEMAND FOR JURY TRIAL AND ESTIMATE OF LENGTH OF TRIAL (TRANSACTION ID # 19916314) FILED BY DEFENDANT CBS CORPORATION, A DELAWARE CORPORATION, F/K/A VIACOM INC., SUCCESSOR BY MERGER TO CBS CORPORATION, A PENNSYLVANIA CORPORATION, F/K/A WESTINGHOUSE ELECTRIC CORPORATION	View	
MAY-20-2008	ANSWER TO COMPLAINT (TRANSACTION ID # 19916314) FILED BY DEFENDANT CBS CORPORATION, A DELAWARE CORPORATION, F/K/A VIACOM INC., SUCCESSOR BY MERGER TO CBS CORPORATION, A PENNSYLVANIA CORPORATION, F/K/A WESTINGHOUSE ELECTRIC CORPORATION	View	335.00
MAY-19-2008	ANSWER TO COMPLAINT (TRANSACTION ID # 19888664) FILED BY DEFENDANT J.T. THORPE & SON, INC.	View	335.00
MAY-16-2008	OBJECTION TO HEARING BY COMMISSIONER/PRO TEM ACTING AS JUDGE / OBJECTION TO COURT COMMISSIONER ACTING AS JUDGE PRO TEMPORE AT TRIAL (TRANSACTION ID # 19869370) FILED BY DEFENDANT FOSTER WHEELER LLC	View	
MAY-16-2008	ANSWER TO COMPLAINT (TRANSACTION ID # 19869370) FILED BY DEFENDANT FOSTER WHEELER LLC	View	335.00
MAY-14-2008	ANSWER TO COMPLAINT (TRANSACTION ID # 19839220) FILED BY DEFENDANT PARKER HANNIFIN CORPORATION	View	335.00
MAY-14-2008	DEFENDANT PARKER HANNIFIN CORPORATIONS OBJECTION TO ASSIGNMENT OF A COMMISSIONER AT TRIAL (TRANSACTION ID # 19839220) FILED BY DEFENDANT PARKER HANNIFIN CORPORATION	View	

CGC-08-274596 Case 3:08-cv-02704-EDL Document 7 Filed 06/30/2008 Page 22 of 22

MAY-14-2008	DEMAND FOR JURY (TRANSACTION ID # 19839220) FILED BY DEFENDANT PARKER HANNIFIN CORPORATION	<u>View</u>	
MAY-14-2008	ANSWER TO COMPLAINT (TRANSACTION ID # 19838671) FILED BY DEFENDANT ALLIS-CHALMERS CORPORATION PRODUCT LIABILITY TRUST	View	335.00
MAY-14-2008	ANSWER TO COMPLAINT (TRANSACTION ID # 19832820) FILED BY DEFENDANT PLANT INSULATION COMPANY	View	335.00
MAY-14-2008	ANSWER TO COMPLAINT (TRANSACTION ID # 19821325) FILED BY DEFENDANT THOMAS DEE ENGINEERING COMPANY	View	335.00
APR-28-2008	DEF. GENERAL DYNAMICS CORPORATIONS OBJECTION TO STIPULATION OF HEARING BY COMMISSIONER. (TRANSACTION ID # 19589325) FILED BY DEFENDANT GENERAL DYNAMICS CORPORATION	<u>View</u>	
APR-28-2008	DEMAND FOR JURY (TRANSACTION ID # 19589325) FILED BY DEFENDANT GENERAL DYNAMICS CORPORATION	View	
APR-28-2008	ANSWER TO COMPLAINT (TRANSACTION ID # 19589325) FILED BY DEFENDANT GENERAL DYNAMICS CORPORATION	View	335.00
APR-01-2008	DECLARATION OF LOIS COLLINS UNDER C.C.P. ?? 377.32 (TRANSACTION ID # 19197579) FILED BY PLAINTIFF COLLINS, LOIS ,AS WRONGFUL DEATH HEIR, AND AS SUCCESSOR-IN-INTEREST TO LESTER COLLINS, DECEASED COLLINS, DONALD , AS LEGAL HEIRS OF LESTER COLLINS, DECEASED COLLINS, STEPHEN , AS LEGAL HEIRS OF LESTER COLLINS, DECEASED COLLINS, THOMAS , AS LEGAL HEIRS OF LESTER COLLINS, DECEASED COLLINS, DOUGLAS , AS LEGAL HEIRS OF LESTER COLLINS, DECEASED LEGGE, KAREN , AS LEGAL HEIRS OF LESTER COLLINS, DECEASED	View	
MAR-27-2008	PRELIMINARY FACT SHEET FILED BY PLAINTIFF COLLINS, LOIS, AS WRONGFUL DEATH HEIR, AND AS SUCCESSOR-IN-INTEREST TO LESTER COLLINS, DECEASED COLLINS, DONALD, AS LEGAL HEIRS OF LESTER COLLINS, DECEASED COLLINS, STEPHEN, AS LEGAL HEIRS OF LESTER COLLINS, DECEASED COLLINS, THOMAS, AS LEGAL HEIRS OF LESTER COLLINS, DECEASED COLLINS, DOUGLAS, AS LEGAL HEIRS OF LESTER COLLINS, DECEASED LEGGE, KAREN, AS LEGAL HEIRS OF LESTER COLLINS, DECEASED		
MAR-27-2008	NOTICE TO PLAINTIFF	View	
MAR-27-2008	ASBESTOS, COMPLAINT FILED BY PLAINTIFF COLLINS, LOIS, AS WRONGFUL DEATH HEIR, AND AS SUCCESSOR-IN-INTEREST TO LESTER COLLINS, DECEASED COLLINS, DONALD, AS LEGAL HEIRS OF LESTER COLLINS, DECEASED COLLINS, STEPHEN, AS LEGAL HEIRS OF LESTER COLLINS, DECEASED COLLINS, THOMAS, AS LEGAL HEIRS OF LESTER COLLINS, DECEASED COLLINS, DOUGLAS, AS LEGAL HEIRS OF LESTER COLLINS, DECEASED LEGGE, KAREN, AS LEGAL HEIRS OF LESTER COLLINS, DECEASED AS TO DEFENDANT ASBESTOS DEFENDANTS (B/P)AS REFLECTED ON EXHIBITS B, B-1, C, H, I DOES 1-8500 ALL ASBESTOS DEFENDANTS SUMMONS ISSUED, JUDICIAL COUNCIL CIVIL CASE COVER SHEET FILED CASE MANAGEMENT CONFERENCE SCHEDULED FOR APR-16-2009	View	335.00